

AMENDMENTS TO LB 636

Introduced by Appropriations.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 66-1519, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           66-1519 (1) There is hereby created the Petroleum Release  
6 Remedial Action Cash Fund to be administered by the department.  
7 Revenue from the following sources shall be remitted to the State  
8 Treasurer for credit to the fund:

9           (a) The fees imposed by sections 66-1520 and 66-1521;

10          (b) Money paid under an agreement, stipulation,  
11 cost-recovery award under section 66-1529.02, or settlement; and

12          (c) Money received by the department in the form  
13 of gifts, grants, reimbursements, property liquidations, or  
14 appropriations from any source intended to be used for the purposes  
15 of the fund.

16          (2) Money in the fund may be spent for: (a) Reimbursement  
17 for the costs of remedial action by a responsible person or his  
18 or her designated representative and costs of remedial action  
19 undertaken by the department in response to a release first  
20 reported after July 17, 1983, and on or before June 30, 2012,  
21 including reimbursement for damages caused by the department or  
22 a person acting at the department's direction while investigating  
23 or inspecting or during remedial action on property other than

1 property on which a release or suspected release has occurred;  
2 (b) payment of any amount due from a third-party claim; (c)  
3 fee collection expenses incurred by the State Fire Marshal; (d)  
4 direct expenses incurred by the department in carrying out the  
5 Petroleum Release Remedial Action Act; (e) other costs related  
6 to fixtures and tangible personal property as provided in section  
7 66-1529.01; (f) interest payments as allowed by section 66-1524;  
8 (g) claims approved by the State Claims Board authorized under  
9 section 66-1531; and (h) a grant to a city of the metropolitan  
10 class in the amount of three hundred thousand dollars, provided no  
11 later than September 15, 2005, to carry out the federal Residential  
12 Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et  
13 seq., as such act existed on October 1, 2003, and (i) methyl  
14 tertiary butyl ether testing, to be conducted randomly at terminals  
15 within the state for up to two years ending June 30, 2003. The  
16 amount expended on the testing shall not exceed forty thousand  
17 dollars. The testing shall be conducted by the Department of  
18 Agriculture. The department may enter into contractual arrangements  
19 for such purpose. The results of the tests shall be made available  
20 to the Department of Environmental Quality. a grant to a city of  
21 the metropolitan class in the amount of three hundred thousand  
22 dollars, provided no later than September 15, 2010, to carry out  
23 the federal Residential Lead-Based Paint Hazard Reduction Act of  
24 1992, Title X, Section 1011, Public Law 102-550, as such act exists  
25 on the effective date of this act.

26 (3) Transfers may be made from the Petroleum Release  
27 Remedial Action Cash Fund to the General Fund at the direction of

1 the Legislature. Transfers may be made from the Petroleum Release  
2 Remedial Action Cash Fund to the Water Policy Task Force Cash  
3 Fund at the direction of the Legislature. The State Treasurer  
4 shall transfer one million five hundred thousand dollars from  
5 the Petroleum Release Remedial Action Cash Fund to the Ethanol  
6 Production Incentive Cash Fund on July 1 of each of the following  
7 years: 2004 through 2011.

8 (4) Any money in the Petroleum Release Remedial Action  
9 Cash Fund available for investment shall be invested by the state  
10 investment officer pursuant to the Nebraska Capital Expansion Act  
11 and the Nebraska State Funds Investment Act.

12 Sec. 2. Original section 66-1519, Reissue Revised  
13 Statutes of Nebraska, is repealed.